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8 Attorneys for Plaintiff  
9 SECOND WALNUT CREEK MUTUAL

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13 SECOND WALNUT CREEK MUTUAL,

No. CV082874 CW

14 Plaintiff,

**STIPULATION TO:**

15 v.

1. CONTINUE HEARING ON  
MOTION TO DISMISS; AND
2. CONTINUE CASE MANAGEMENT  
CONFERENCE

16 TRAVELERS PROPERTY CASUALTY  
17 COMPANY OF AMERICA, FEDERAL  
18 INSURANCE COMPANY and DOES 1  
through 20, inclusive,

19 Defendants.

/

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21 WHEREAS all parties have agreed to meet to discuss settlement of this action prior to  
22 the hearing of defendants' pending *Motion to Dismiss For Failure To State A Claim Upon*  
23 *Which Relief Can be Granted (Rule 12(b)(6))* (the "Motion"); and

24 WHEREAS the parties have been unable to schedule such a meeting as of the date of  
25 this Stipulation, but have agreed to do so, if possible, within the next 30 days,

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**STIPULATION TO CONTINUE HEARING AND CASE MANAGEMENT CONFERENCE**

IT IS HEREBY STIPULATED by and amongst the parties hereto as follows:

1. Pursuant to N.D.C.A. Local Rule 7-7, that the hearing on defendants' Motion shall be continued from September 18, 2008 until **October 23, 2008**, 2:00 p.m. in Courtroom 2. All deadlines to file responsive pleadings are continued accordingly.

2. Pursuant to N.D.C.A. Local Rule 16-2(d), that the *Order Setting Initial Case Management Conference and ADR deadlines* filed June 9, 2008 be modified as follows:

<u>Event</u>	<u>Current Date</u>	<u>Continue To</u>
Last day to: <ul style="list-style-type: none"> <li>• Meet and confer re: initial disclosures, early settlement, ADR process selection and discovery plan;</li> <li>• File ADR Certification signed by Parties and Counsel; and</li> <li>• File stipulation to ADR Process or Notice of Need for ADR Phone Conference</li> </ul>	08/26/08	<b>10/28/08</b>
Last day to: <ul style="list-style-type: none"> <li>• File Rule 26(f) Report;</li> <li>• Complete Initial Disclosures or state objection in Rule 26(f) Report; and</li> <li>• File <u>Case Management Statement per standing order</u></li> </ul>	9/9/08	<b>11/12/08</b>
<u>Case Management Conference</u>	9/16/08	<b>11/18/08</b>

Defendants specifically consent to the above modifications.

SO STIPULATED.

Dated: August 25, 2008

**HUGHES & GILL, P.C.**

By: /s/ Michael J. Hughes

Michael J. Hughes  
Attorneys for Plaintiff  
SECOND WALNUT CREEK MUTUAL

Dated: August 26, 2008

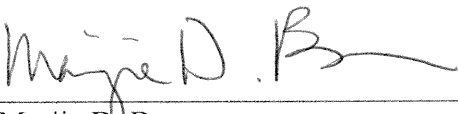
**NEWTON REMMEL**

By: 

Ronald F. Remmel  
Attorneys for Defendant  
FEDERAL INSURANCE COMPANY

1 Dated: August 26, 2008

RUDLOFF WOOD & BARROWS, LLP

2  
3 By:   
4 Marjie D. Barrows  
5 Attorneys for Defendant  
6 TRAVELERS PROPERTY CASUALTY  
7 COMPANY OF AMERICA  
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11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13 SECOND WALNUT CREEK MUTUAL,

No. CV082874 CW

14 Plaintiff,

15 v.

**[Proposed] ORDER CONTINUING  
HEARING ON MOTION TO DISMISS  
AND CASE MANAGEMENT  
CONFERENCE**

16 TRAVELERS PROPERTY CASUALTY  
17 COMPANY OF AMERICA, FEDERAL  
18 INSURANCE COMPANY and DOES 1  
through 20, inclusive,

19 Defendants.

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20  
21 Pursuant to stipulation of the parties and good cause appearing,

22 1. The hearing on the defendants' *Motion to Dismiss For Failure To State A Claim Upon*  
23 *Which Relief Can be Granted (Rule 12(b)(6))* shall be continued from September 18, 2008 until  
24 **October 23, 2008**, 2:00 p.m. in Courtroom 2. All deadlines to file responsive pleadings are  
25 continued accordingly.

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2. The *Order Setting Initial Case Management Conference and ADR deadlines* filed June 9, 2008 is hereby modified as follows:

<u>Event</u>	<u>Current Date</u>	<u>Continue To</u>
Last day to: <ul style="list-style-type: none"> <li>• Meet and confer re: initial disclosures, early settlement, ADR process selection and discovery plan;</li> <li>• File ADR Certification signed by Parties and Counsel; and</li> <li>• File stipulation to ADR Process or Notice of Need for ADR Phone Conference</li> </ul>	08/26/08	<b>10/28/08</b>
Last day to: <ul style="list-style-type: none"> <li>• File Rule 26(f) Report;</li> <li>• Complete Initial Disclosures or state objection in Rule 26(f) Report; and</li> <li>• <u>File Case Management Statement per standing order</u></li> </ul>	9/9/08	<b>11/12/08</b>
Case Management Conference	9/16/08	<b>11/18/08</b>

SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge Claudia Wilkin  
 Judge of the United States District Court for the  
 Northern District of California